

# **TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

## **MINUTES OF BOARD MEETING**

**OCTOBER 11, 2005**

President Bob Arrington called the meeting to order at 10:05 A.M. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Bob Arrington, President, Danny Cook, Vice President, Ralph Buckner, Jr., Wendy Helling, and Nancy Vincent. Board members absent were Bob Foster and Stephen Murphy.

Staff members present were Robert Gribble, Executive Director, Ernest Sykes, Jr., Legal Counsel, Jimmy Kesey and Roy Bozeman, Field Representatives, and Sandra Cooper and Jimmy Gossett, Administrative Assistants.

### **APPROVAL OF MINUTES:**

By consent, the Board deferred consideration of the August 9, 2005 minutes.

**APPROVAL OF FUNERAL DIRECTOR AND/OR EMBALMER LICENSES:** Upon motion, based upon the application records, the following applicants were approved for licensure.

**Darrell Anthony Harris  
Chilhowie, Virginia**

**Embalmer**

**Leslie Leann Effel  
Coldwater, Mississippi**

**Embalmer  
Reciprocity from Mississippi**

**Robert J.L. Silva  
Clinton, TN**

**Embalmer  
Reciprocity from California**

**Fred M. Byrd, Jr.  
McMinnville, TN**

**Funeral Director/Embalmer  
Reciprocity from North Carolina**

**Sarah Rebecca Wade  
Franklin, TN**

**Funeral Director/Embalmer  
Reciprocity from Virginia**

**APPROVAL OF ESTABLISHMENT LICENSES:** Upon motion, based upon the application records, the following applicants were approved for licensure.

**J. Avery Bryan Funeral Home, Inc.  
Chattanooga, TN**

**Name Change  
Ownership: Corporation**

**Roberts Funeral Home, LLC.  
Rutherford, TN**

**Name Change  
Ownership: LLC**

**Roberts Kenton Chapel  
Kenton, TN**

**Name Change  
Ownership: LLC**

**Mountain City Funeral Home  
Mountain City, TN**

**New Establishment  
Ownership: Corporation**

**Oakdale Funeral Home – Decatur County  
Parsons, TN**

**New Establishment  
Ownership: LLC**

**Shackelford Funeral Directors of Acton  
Michie, TN**

**New Establishment  
Ownership: Corporation**

**LEGAL REPORT:  
ERNEST SYKES, JR., STAFF ATTORNEY**

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**1. L05-FUN-RBS-2005028101**

This complaint is the result of an inspector's notice of violation which alleges failure to place required permanent identification device in cremation remains of a decedent, failure to provide the statutorily required crematory disclosures, and failure to provide written receipt for cremated remains on a different decedent. Notice also alleges that prosthetics and metal residue were scattered around the room housing the rear portion of the cremation unit, and that the embalming room still had a waste container with waste from a body that had been prepared nearly two months prior to inspection. FH responded after second request, but, while the response does indicate corrective action with respect to disclosures and paperwork deficiencies, it does not address the environmental allegations.

**Recommendation:** Consent Order assessing a \$1,500 civil penalty.

A motion was made by Mr. Buckner to accept counsel's recommendation.

Seconded by Mr. Cook

Adopted by voice vote

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**2. L05-FUN-RBS-2005028051**

This complaint is the result of an inspector's notice of violation which alleges: portions of the GPL contain same items with two different sets of prices; none of the three price lists presented were in compliance; failure to list any of caskets in selection room on the CPL; failure to retain changed price lists for required one year after change; failure to make available original establishment license; and

failure of business signage to agree with name on license. FH responded after second request and response indicates corrective action.

**Recommendation:** Consent Order assessing \$700 civil penalty.

A motion was made by Mr. Cook to accept counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

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**3. L05-FUN-RBS-2005030811**

This complaint is the result of an inspector's notice of violation which alleges three pricing violations, as well as failure to provide required description of outer burial containers; failure to provide description of traditional funeral service package on statement of goods and services; and failure to provide a space for the reason for embalming on statement of goods and services. Response indicates prompt corrective action.

**Recommendation:** Consent Order assessing \$500 civil penalty.

A motion was made by Ms. Vincent to accept counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

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**4. L05-FUN-RBS-2005027661**

Complaint alleges that Respondent FH advertised without an establishment license. There is no indication of unlicensed practice, as FH is still under construction. FH response acknowledges that the home is not yet licensed and that the individuals mentioned in the ad are not yet licensed as funeral directors. Owner states that he was unaware the ad would be run as soon as it was, and makes clear that establishment will not operate before it and its managers receive necessary licenses. Nonetheless, board staff had contacted establishment before the ad was run and advised against it.

**Recommendation:** Consent Order assessing a \$500 civil penalty.

A motion was made by Mr. Buckner to accept counsel's recommendation.

Seconded by Ms. Vincent

Adopted by voice vote

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**5. L05-FUN-RBS-2005028141**

Complainant's sister died unexpectedly. She alleges that funeral director never offered family a price list and that the FH did not provide an itemized statement of goods and services. Complaint alleges that the statement (for direct cremation) only reflected three general items: cost of transporting body, cost for Use of Facilities, and cost for Funeral Ceremony. Complaint also alleges that price of services was unreasonably high, and that funeral director told family of new governmental regulations resulting in a fee increase since 1996 (when complainant last dealt with this FH). The total cost was \$3,250, broken down as follows: \$2,095 for Services of FD and Staff (complainant disputes this charge); \$250 for Use of Facilities; \$175 for hearse (c. 130 miles); \$250 for Alternative Container (complainant disputes this charge, alleging that alt. container was not purchased or provided); \$30 for Acknowledgement Cards; \$425 for Direct Cremation; and \$30 for Permit.

FH's response notes that alternative container charge was for container the body was in prior to cremation, which family would not have seen. Funeral director claims not to recall mentioning anything about a government regulation fee. FH denies that charge was excessive.

**Recommendation:** Consent Order assessing \$250 civil penalty.

A motion was made by Mr. Buckner to accept counsel's recommendation.

Seconded by Ms. Hellum

Adopted by voice vote

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**6. L05-FUN-RBS-2005028181**

Respondent FH advertised without an establishment license. Newspaper ad billed it as "Funeral Home," and upon being notified of complaint, FH had the ad changed to read "Future Home of [Respondent] Funeral Home." There is no indication of unlicensed practice. Owner stated that Board had advised him that "Future Home of..." verbiage was permissible, but went on to state that FH will discontinue all advertising until such time as it is licensed.

**Recommendation:** Consent Order assessing \$500 civil penalty.

A motion was made by Mr. Cook to accept counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

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**7. L05-FUN-RBS-2005030791**

This complaint is the result of an inspector's notice of violation which alleges failure to timely register as a seller of preneeds. Respondent promptly took corrective action and paid all required fees and penalties.

**Recommendation:** Dismiss.

A motion was made by Ms. Hellum to accept counsel's recommendation.

Seconded by Mr. Buckner

Adopted by voice vote

**STAFF REPORT:**  
**ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**1. Closed Establishment:**

**Alexander Funeral Home, Inc., 1118 Pleasant Grove Rd., Westmoreland, TN – This establishment was owned by the Alderwoods (Tennessee), Inc. and the manager was Damon W. Hobbs, Funeral Director license #5459 and Embalmer license #5460. The funeral home was licensed September 7, 1994 and closed December 1, 2004.**

**2. Disciplinary Actions – Complaint:**

**The Consent Order has been signed and an agreement of three installments in the amount of six hundred (\$600) each for the payment of civil penalty. The Executive Director requests the Board's acceptance and approval of the following Consent Order.**

**Complaint No. 2005010121**

**Violation: Unlicensed practice of embalming dead human bodies**

**Action: Suspension of license as a Funeral Director for eighteen (18) months and \$1800 Civil Penalty**

**3. Manager Changes**

There have been eight establishments change managers since the last board meeting.

**Name of Establishment**

**Name of New Manager**

**Eastland Funeral Home & Cremation Service  
Nashville, TN**

**Ommer B. Everson, III**

**Cole & Garrett Funeral Home  
& Cremation Services  
Goodlettsville, TN**

**Wayne A. Slighter**

**Cole & Garrett Funeral Home  
& Cremation Services  
Hendersonville, TN**

**Tommy Edgar Miller, Jr.**

**Doughty-Stevens F H – Mosheim Chapel  
Mosheim, TN**

**Joe David Lee**

**Brown Funeral Home  
Kingston, TN**

**Recia Brown Russell**

**Ralph Buckner F H of Etowah, LLC  
Etowah, TN**

**Stephanie G. Collins**

**Family Mortuary, Inc.  
Memphis, TN**

**Tom H. Breathett, Jr.**

**Brentwood-Roesch-Patton Funeral Home  
Brentwood, TN**

**Morris Rodney Wells**

#### **4. Rulemaking Hearing**

**A Notice of Rulemaking Hearing to be held October 18, 2005, at 10 a.m. in Conference Room A of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, TN for the consideration of promulgation of rules pursuant to Chapter 375 of the Public Acts of 2005 was made available to all interested parties.**

A motion was made by Mr. Cook to adjourn.

Seconded by Mr. Buckner

Adopted by voice vote

There being no further business, the meeting adjourned at 11:01 a.m.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble  
Executive Director